

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 NATIONAL PRODUCE TRADING
COMPANY, LLC,

4 Plaintiff,

5 v.

6 HENDERSON FOODS, INC. T/A TIERRA
PRODUCE, ALKO GREEN FRESH LLC
7 D/B/A TIERRA PRODUCE DEPOT A/T/A
TIERRA PRODUCE, LAS VEGAS FOOD
8 DISTRIBUTOR LLC T/A TIERRA
PRODUCE, GILBERTO BLANCO,
9 SALVADOR CASTRO, MARIA CASTRO,
JESUS MENDEZ, JORGE ALEJANDRO
10 ORTEGA MEDINA and ALICIA ORTEGA
MEDINA,

11 Defendants.

Case No.: 2:21-cv-02035-APG-BNW

ORDER FOR FINAL JUDGMENT

12 I previously approved the stipulation that settled this dispute. ECF No. 29. The stipulation
13 provides that if the defendants default in their payment obligations or in timely delivering financial
14 records, and the default remains uncured, then the plaintiff's attorney can file a declaration as to
15 such default. *Id.* at 3 ¶ 5. Upon the filing of that declaration, I am to enter an order for judgment in
16 favor of the plaintiff. *Id.*

17 On December 13, 2021, the plaintiff's counsel filed the required declaration of uncured
18 default. ECF No. 31. I therefore enter this order granting judgment against the defendants as agreed
19 to in the parties' stipulation.

20 I THEREFORE ORDER that plaintiff National Produce Trading Company, LLC is a
21 qualified trust creditor and beneficiary under the provisions of the Perishable Agricultural
22 Commodities Act, 7 U.S.C. § 499a *et seq.* (PACA), of defendants Henderson Foods, Inc. trading as
23 Tierra Produce (Tierra), Alko Green Fresh LLC doing business as Tierra Produce Depot also

1 trading as Tierra Produce (Alko), Las Vegas Food Distributor LLC trading as Tierra Produce
2 (LVFD), Gilberto Blanco (Blanco), Salvador Castro (S. Castro), Maria Castro (M. Castro), Jesus
3 Mendez (Mendez), Jorge Alejandro Ortega Medina (J. Ortega), and Alicia Ortega Medina (A.
4 Ortega) (Tierra, Alko, LVFD, Blanco, S. Castro, M. Castro, Mendez, J. Ortega and A. Ortega are
5 collectively referred to as the Defendants).

6 I FURTHER ORDER that the Defendants are liable, jointly and severally, to plaintiff
7 National Produce Trading Company, LLC for a debt in the amount of \$165,869.92 under the trust
8 provisions of the PACA, 7 U.S.C. § 499e(c).

9 I FURTHER ORDER the Defendants to, by **December 29, 2021**, turn over all funds
10 realized from the sale of produce or products derived from produce in their possession to McCarron
11 & Diess, attorneys for the plaintiff, located at 576 Broadhollow Road, Suite 105, Melville, New
12 York, 11747, for distribution to the plaintiff.

13 I FURTHER ORDER that all funds belonging to the Defendants in the possession of third
14 parties shall be immediately turned over to McCarron & Diess, attorneys for the plaintiff, located at
15 576 Broadhollow Road, Suite 105, Melville, New York, 11747, for distribution to the plaintiff.

16 I FURTHER ORDER that all funds owed to the Defendants shall be paid directly to
17 McCarron & Diess, attorneys for the plaintiff, located at 576 Broadhollow Road, Suite 105,
18 Melville, New York, 11747, when due for distribution to the plaintiff.

19 I FURTHER ORDER the Defendants to supply to the plaintiff's attorney, by **December 29,**
20 **2021**, all documents in their possession, custody, or control that reflect or relate to the assets and
21 liabilities of the Defendants and their related and subsidiary companies, including but not limited to
22 the most recent balance sheets, profit/loss statements, accounts receivable reports, accounts payable
23 reports, accounts paid records, bank account statements and income tax returns.

1 I FURTHER ORDER the clerk of court to enter judgment accordingly.

2 DATED this 21st day of December, 2021.

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Andrew P. Gordon
UNITED STATES DISTRICT JUDGE